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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,825	11/24/2003	Craig L. Reding	03-1025	5353
32127	7590	10/25/2007		
VERIZON PATENT MANAGEMENT GROUP 1515 N. COURTHOUSE ROAD, SUITE 500 ARLINGTON, VA 22201-2909			EXAMINER PHAN, HUY Q	
			ART UNIT 2617	PAPER NUMBER
			NOTIFICATION DATE 10/25/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@VERIZON.COM

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/720,825

Applicant(s)

REDING ET AL.

Examiner

Huy Q. Phan

Art Unit

2617

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 September 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


GEORGE ENG
SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments, see REMARKS, have been fully considered but they are not persuasive.

a) Applicant argued that "KARVE and PACKHAM et al. do not disclose or suggest identifying a second device of the plurality of devices as a preferred device instead of the first device for receiving the SMS message based on information stored by the receiving party". The examiner respectfully disagrees with the applicant's argument. The examiner also contends that the combination of KARVE and PACKHAM does disclose or suggest identifying a second device of the plurality of devices as a preferred device instead of the first device for receiving the SMS message based on information stored by the receiving party (see the previous detailed office action).

b) Applicant argued that "Applicants submit that one skilled in the art would not reasonably look to incorporate PACKHAM et al.'s alleged disclosure of an HLR that stores forwarding information and a SMS/GMSC that forwards text messages intended for a first device to a second device into the KARVE system since the KARVE system is directed to actions performed by a cellular device (the first device). If one were to incorporate PACKHAM et al.'s HLR and SMS/GMSC into the KARVE system, this combination would obviate the need for the KARVE invention since the forwarded destination of the text message is identified prior to reaching the first device (KARVE's cellular device). The examiner respectfully disagrees. Karve clearly discloses that Karve's system is the same as Packham's system described as "SMS is a store and forward service. That is, short messages are not sent directly from sender to recipient, but always via an SMS Center. Each mobile telephone network that supports SMS must have at least one messaging center to handle and manage the short messages" (see [0007]). But, Karve does not particularly show instead of the first device for receiving the SMS message, thus, there is a need for applying the teaching of Packham that instead of the first device for receiving the SMS message (fig. 1 and [0019]-[0022]) in order for people to read their text messages received via email, for example on a home computer, which would possibly cause less disruption to their working day" (see [0019]-[0022]).

c) Applicant argued the legal principle of establishing a prima facie case of obviousness or/and more specifically that "one skilled in the art at the time of Applicants' invention would not have been motivated to incorporate this alleged teaching of PACKHAM et al. into the KARVE system, absent impermissible hindsight". The examiner respectfully disagrees with applicant's argument. The first criteria of the prior art references teaching or suggesting all the claim limitations was also met because the combination of Karve and Packham disclose every claimed limitation of independent claims as shown in previous rejection. The second criteria of a reasonable expectation of success was met since both references are from a similar field of endeavor such particularly as a method for forwarding SMS in the wireless communication system, and the combination of the two references would not be in opposition to either references' functions and operations thus resulting a reasonable expectation of success. The third criteria of motivation was met by providing a motivation from the secondary reference, Packham, which is to allow the user to "turn their mobile phone(s) off in areas where that is necessary (such as in testing environments or hospitals) and still be able to have access to their messages. It also allows people to read their text messages received via email, for example on a home computer, which would possibly cause less disruption to their working day" (see [0019]-[0022]). Consequently, a prima facie case of obviousness under 35 U.S.C. 103 has been established.

d) Applicant argued that "formatted message to an e-mail address, as recited in claim 3. Sending an e-mail address, as disclosed by GOPINATH et al., is not equivalent to sending a formatted message to an e-mail address, as recited in claim 3". The examiner respectfully disagrees. As proved, Karve and Packham discloses the method of claim 1 or/and particularly that Karve ([0008]) and Packham ([0022]) suggest sending the formatted message to a personal computer and the user is able to retrieve the message. But, Karve and Packham do not expressly teach wherein sending the formatted message comprises sending the formatted message to an e-mail address. However in analogous art, Gopinath shows specifically that "a user may instruct through his SM that his contact email be sent to the recipient of the SM by just typing the keyword 'myemail' in his SM" (see [0054]-[0069]). Thus Gopinath discloses sending a SMS to an e-mail address. Consequently, combination of Karve, Packham and Gopinath disclose the claimed limitation of wherein sending the formatted message comprises sending the formatted message to an e-mail address.

e) In response to applicant's argument with respect to the rejection based on Karve, Packham and Dehlin. It is believed that Karve and Packham disclose all the limitations of the independent claim 1 (see section above) from which claim 4 depends. Thus, the combination of Karve, Packham and Dehlin can be used to establish prima facie obviousness for claim 4 because the references teach or suggest all claimed limitations as required. See MPEP § 2143.03. Therefore, prima facie obviousness under 35 U.S.C. § 103 has been established.

f) In response to applicant's argument with respect to the rejection based on Karve, Packham and Sabo. It is believed that Karve and Packham disclose all the limitations of the independent claim 1 (see section above) from which claim 5 depends. Thus, the combination of Karve, Packham and Sabo can be used to establish prima facie obviousness for claim 5 because the references teach or suggest all claimed limitations as required. See MPEP § 2143.03. Therefore, prima facie obviousness under 35 U.S.C. § 103 has been established.

g) In response to applicant's argument with respect to the rejection based on Karve, Packham and Fostick. It is believed that Karve and Packham disclose all the limitations of the independent claim 1 (see section above) from which claim 7 depends. Thus, the combination of Karve, Packham and Fostick can be used to establish prima facie obviousness for claim 7 because the references teach or suggest all claimed limitations as required. See MPEP § 2143.03. Therefore, prima facie obviousness under 35 U.S.C. § 103 has been established.

Huy Q. Phan

Examiner: Phan, Huy Q.

Date: 10/19/2007